

Total No. of printed pages = 7

TR/TSJ//L-I/17

LAW

Paper : I

Full Marks – 100

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answers must be written in **English** only.

Candidates are required to give their answers in their own words as far as practicable.

GROUP – A

Four options are given against each of the following 10 (ten) questions. Select the single best / correct option and write it in the answer script by pen only.

Each question carries one mark.

$1 \times 10 = 10$

Example : 'Right to Education' is a fundamental right under :

(a) Article 14 of the Constitution

(b) Article 19 of the Constitution

(c) Article 22 of the Constitution

(d) Article 21A of the Constitution

Answer : (d), Article 21A of the Constitution

1. (i) Which of the following cases is related to constitutionality of 'Right to death' ?

(a) Maneka Gandhi vs. Union of India

(b) Gian Kaur vs. State of Punjab

(c) A. K. Gopalan vs. Union of India

(d) Kharak Singh vs. State of U.P.

(ii) Which Article of the Indian Constitution is related to abolition of untouchability ?

(a) Article 15

(b) Article 16

(c) Article 17

(d) Article 18

(iii) Right to Property in India is

(a) Fundamental Right

(b) Legal Right

(c) Constitutional Right

(d) None of these

(iv) Which one of the following is not included in the powers of the appellate court ?

- (a) To determine the case finally
- (b) To try the case de novo
- (c) To remand the case
- (d) To take additional evidence

(v) Which one of the following is not a suit relating to immovable property ?

- (a) Suit for recovery of immovable property
- (b) Suit for partition of immovable property
- (c) Suit for redemption of mortgaged property
- (d) Suit for rent in respect of immovable property

(vi) Which one of the following is not a suit of civil nature under the Code of Civil Procedure ?

- (a) A suit for right to property
- (b) A suit for right to worship
- (c) A suit against expulsion from caste
- (d) A suit for restitution of conjugal rights

(vii) Which one of the following sections of the Transfer of Property Act, 1882 is concerned with the doctrine of 'marshalling' ?

- (a) Section 55
- (b) Section 56
- (c) Section 60
- (d) None of these

(viii) Which one of the following is not transfer by 'act of parties' under the Transfer of Property Act ?

- (a) Succession
- (b) Sale
- (c) Mortgage
- (d) Gift

(ix) The law relating to tender of performance is laid down in

- (a) Section 37 of the Indian Contract Act
- (b) Section 35 of the Indian Contract Act
- (c) Section 36 of the Indian Contract Act
- (d) Section 34 of the Indian Contract Act

(x) An agency is terminated

- (a) by revocation by the principal
- (b) by renunciation of agency by the agent
- (c) insolvency of the principal
- (d) In all of the above

GROUP - B

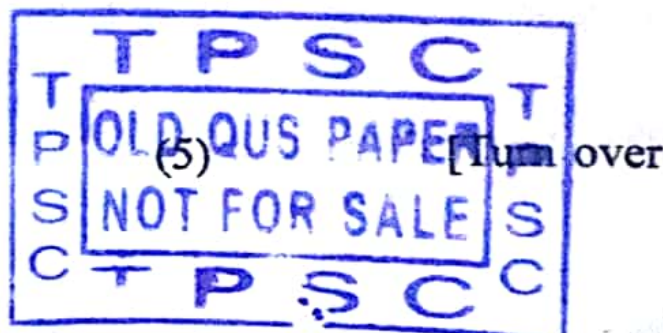
Answer any *ten* questions.

Each question carries five marks.

10×5=50

2. Discuss the executive power of the Governor under the Indian Constitution.
3. 'Independence of judiciary is the sine qua non of democracy.' Explain this statement in the context of latest judicial pronouncements.
4. Discuss the advisory jurisdiction of the Supreme Court of India.
5. On what grounds does a second appeal lie ? Explain.
6. What do you mean by inherent powers of a court ? Explain.

3/TR/TSJ/L-1/17



7. Under what circumstances, the decree-holder can apply to have a decree transferred to another court for execution ?
8. What is 'mere right to sue' ? Is it transferable under the Transfer of Property Act, 1882 ?
9. Write a note on revocation of gifts.
10. Discuss the essentials of a valid transfer.
11. Briefly discuss the doctrine of public policy.
12. Distinguish between fraud and misrepresentation.
13. Under what circumstances a contract need not be performed ?

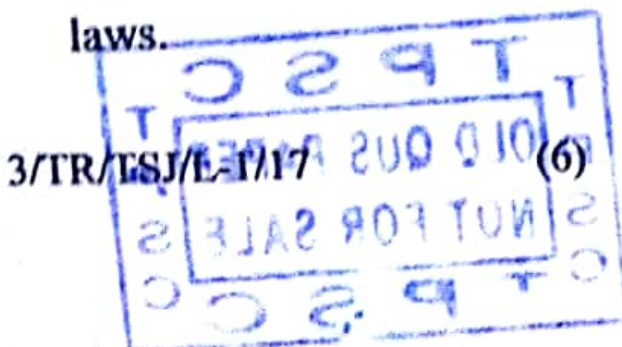
GROUP – C

Answer any *five* questions.

Each question carries eight marks.

5×8=40

14. Do judges make law ? Explain with the support of decided cases and relevant provisions of the constitution.
15. Discuss the power of the Parliament to amend the Constitution with reference to the related case laws.



16. Explain a 'foreign judgement'. When is a foreign judgement said to be not conclusive ? Explain.
17. State the particulars of the property that are not liable to attachment and sale in execution of a decree.
18. Discuss the provisions of the Indian Contract Act regarding validity of agreement where consent is caused by mistake.
19. Discuss the doctrine of part performance with suitable example and case laws under the Transfer of Property Act.